

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

MARGUERITE SMITH, etc.

Plaintiff,

v.

CASE NO. 3:20-cv-567-J-32JBT

GENWORTH LIFE INSURANCE
COMPANY OF VIRGINIA, et al.,

Defendants.

_____ /

REPORT AND RECOMMENDATION¹

THIS CAUSE is before the Court *sua sponte*, i.e., on its own motion. *Pro* se Plaintiff filed a Complaint (Doc. 1) without paying the \$400.00 filing fee or filing a request to proceed *in forma pauperis* by submitting an Affidavit of Indigency. See 28 U.S.C. §§ 1914(a), 1915(a)(1). The Court previously entered an Order stating: “On or before July 6, 2020, Plaintiff shall either submit the \$400.00 filing fee or complete and file the Affidavit of Indigency attached to this Order. Failure to do so may result in this action being dismissed without further notice.” (Doc. 2 at 1.)

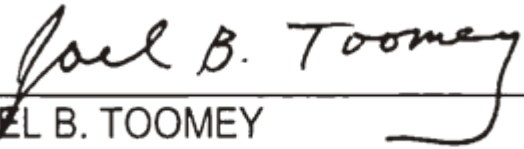
¹ “Within 14 days after being served with a copy of [this Report and Recommendation], a party may serve and file specific written objections to the proposed findings and recommendations.” Fed. R. Civ. P. 72(b)(2). “A party may respond to another party’s objections within 14 days after being served with a copy.” *Id.* A party’s failure to serve and file specific objections to the proposed findings and recommendations alters the scope of review by the District Judge and the United States Court of Appeals for the Eleventh Circuit, including waiver of the right to challenge anything to which no specific objection was made. See Fed. R. Civ. P. 72(b)(3); 28 U.S.C. § 636(b)(1)(B); 11th Cir. R. 3-1; Local Rule 6.02.

To date, Plaintiff has not paid the filing fee, filed an Affidavit of Indigency, or otherwise responded to the Court's prior Order. Therefore, the undersigned recommends that the case be dismissed without prejudice for lack of prosecution.

Accordingly, it is respectfully **RECOMMENDED** that:

1. The case be **DISMISSED without prejudice**.
2. The Clerk of Court be directed to terminate any pending motions and close the file.

DONE AND ENTERED at Jacksonville, Florida, on July 20, 2020.



JOEL B. TOOMEY
United States Magistrate Judge

Copies to:

The Honorable Timothy J. Corrigan
United States District Judge

Pro Se Plaintiff